

AMY PECHACEK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BRIAN BEMKE, SCOTT COLLETT,  
JOHN FERIOZZI, JUDY FINTZ,  
SARAH JAMIESON, EVAN JOHNSON,  
TRACY LONG and CLIFFORD NEUMANN,

Plaintiffs,

-vs-

Case No. 21-cv-560

AMY PECKACEK, in her official.  
capacity as Secretary-designee  
of the State of Wisconsin  
Department of Workforce Development,

Defendant.

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VIDEOCONFERENCE DEPOSITION OF AMY PECHACEK

Wednesday, June 8, 2022

8:58 a.m.

Reported by: SANDRA L. McDONALD

\*\*\*\*\*

I N D E X

3 Examination By: Page:

4 Attorney Kinne 4

5 Attorney Fitzpatrick --

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E X H I B I T S

9 Exhibit Nos.: Identified:

10 1 - Fiscal Estimate Narratives 35

11 2 - Complaint 38

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(Original transcript filed with Attorney Kinne)

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VIDEOCONFERENCE DEPOSITION of AMY PECHACEK,  
a witness of lawful age, taken on behalf of the  
plaintiffs in the above-entitled cause, under the  
Federal Rules of Civil Procedure, pursuant to  
notice, before SANDRA L. McDONALD, a Notary Public  
in and for the State of Wisconsin, from various  
remote locations, on the 8th day of June, 2022,  
commencing at 8:58 a.m.

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#### A P P E A R A N C E S

PAUL A. KINNE,  
GINGRAS, THOMSEN & WACHS, LLP  
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behalf of the plaintiffs;

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WISCONSIN DEPARTMENT OF JUSTICE  
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appearing by videoconference on  
behalf of the defendants.

Also Present: JENNIFER WAKERHAUSER,  
DWD Chief Legal Counsel

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1 AMY PECHACEK,  
2 having been first duly sworn on oath,  
3 was examined and testified as follows:  
4  
5 EXAMINATION  
6 BY MR. KINNE:  
7 Q Could you please state your name and spell it for the  
8 record?  
9 A Amy Pechacek, A-m-y, P-e-c-h-a-c-e-k.  
10 Q And Ms. Pechacek, what is your home address?  
11 MR. KILPATRICK: Paul, I'm going to  
12 object to that. I'm not sure it's relevant.  
13 She's being sued in her official capacity.  
14 MR. KINNE: Okay.  
15 MR. KILPATRICK: Given the privacy  
16 issues with officials, I'm wondering if you can  
17 just ask for her office address maybe?  
18 MR. KINNE: Sure, that's fine. That's  
19 perfectly fine, and I understand completely.  
20 Q Ms. Pechacek, what is your work address?  
21 A It's 201 East Washington Avenue in Madison, 53703.  
22 Q Have you ever been deposed before?  
23 A Yes.  
24 Q How recently?  
25 A Within the last six months.

4

1 Q Okay. Did it have anything to do with payment of  
2 unemployment compensation benefits?  
3 A No.  
4 Q I'm still going to go over some mechanical rules for  
5 you to follow today so they're fresh in your mind,  
6 all right? You're under oath, so you have to tell  
7 the truth. Do you understand that?  
8 A Yes.  
9 Q I will do my best to avoid talking over the ends of  
10 your answers. Please do your best to avoid talking  
11 over the ends of my questions for the sake of the  
12 court reporter, okay?  
13 A Yes.  
14 Q Your answers have to be in word form. Saying things  
15 like uh-huh, um-hum, nodding or shaking your head  
16 aren't acceptable answers because the court reporter  
17 can't record those kinds of answers, okay?  
18 A Understood.  
19 Q Last but not least, if I ask you a question that you  
20 don't understand, please let me know, and I will try  
21 to rephrase it in a way that you do understand it,  
22 okay?  
23 A Yes.  
24 Q Did you review any documents to prepare for your  
25 deposition today?

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1 A Yes.  
2 Q What did you review?  
3 A The Complaint.  
4 Q Anything else?  
5 A I did also review a press release from the prior  
6 secretary, Caleb Frostman.  
7 Q Okay. Tell me about that press release. What was --  
8 well, summarize it for me.  
9 A The press release involved an interpretation of the  
10 Pandemic Unemployment Assistance, the PUA program  
11 from the federal government, which was one of the  
12 COVID-19 special programs. Previously the Department  
13 had taken the position that individuals on Social  
14 Security Disability did not qualify for PUA.  
15 Secretary Caleb Frostman and the administration  
16 requested clarification on that interpretation and  
17 advocated for individuals who were receiving SSDI to  
18 qualify for PUA under the federal rules.  
19 And the press release was encouraging folks on  
20 SSDI to apply for PUA because they were able to --  
21 they being Caleb Frostman and the prior Secretary's  
22 Office, were able to get agreement from the  
23 Department of Labor Secretary Scalia that individuals  
24 on SSDI could qualify for PUA in the state of  
25 Wisconsin.

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AMY PECHACEK

1 Q Okay. And Caleb Frostman -- well, let me back up a  
2 step. Where do you work right now?  
3 A I work at the Wisconsin Department of Workforce  
4 Development.  
5 Q And what's your title there?  
6 A Secretary designee.  
7 Q When did you start in that position?  
8 A I was appointed secretary designee in December of  
9 2020. I came to the Department originally in  
10 September of 2020 as the transition director.  
11 Q And it sounds like Mr. Frostman preceded you at the  
12 Department of Workforce Development?  
13 A That is correct.  
14 Q When did he leave?  
15 A September of 2020.  
16 Q Okay. And do you know why he left?  
17 MR. KILPATRICK: Objection, calls for  
18 speculation.  
19 Q Well, I don't want you to guess if you're  
20 speculating, but that's why my question is  
21 foundational. Do you know why he left?  
22 A He resigned due to some issues with the unemployment  
23 insurance claim backlog.  
24 Q Okay. And where did you work prior to September of  
25 2020?

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1 secretary of the Department of Workforce Development  
2 do?" How would you answer that question?  
3 A I oversee the administration and overall policy  
4 direction for the Wisconsin Department of Workforce  
5 Development, which has several divisions, including  
6 the Department -- or I'm sorry, the Division of  
7 Employment and Training, the Division of Unemployment  
8 Insurance, the Division of Worker's Compensation, the  
9 Division of Equal Rights. We've got some  
10 administrative functions, but we, in a nutshell, do  
11 our best to promote and advance the workforce in the  
12 State of Wisconsin, including job seekers,  
13 entrepreneurs and businesses for the overall economic  
14 advancement of the State.  
15 Q And who is in charge right now of the Unemployment  
16 Division of the Department of Workforce Development?  
17 A The administrator of the Unemployment Division is  
18 Jim Chiolino.  
19 Q And do you know how long he's held that position?  
20 A For approximately one year.  
21 Q Okay. And generally speaking, what are his duties  
22 and roles?  
23 A Wait, can I correct that? I don't think it's quite  
24 been a year. Maybe nine months. Sorry, I don't  
25 exactly recall the date. I appointed him, but I

9

1 A I was the deputy secretary at the Wisconsin  
2 Department of Corrections.  
3 Q And how long were you the deputy secretary there?  
4 A I began in that position when the Evers  
5 administration took office in January of 2019.  
6 Q I don't ask this to be nosy, I ask because I have to  
7 know this background stuff. Why did you leave?  
8 A I was appointed by the governor to come be the  
9 secretary designee of the Department of Workforce  
10 Development.  
11 Q Okay. Can you give me a thumbnail sketch of your  
12 post high school education?  
13 A I've got an undergraduate degree from the University  
14 of Wisconsin-Madison in sociology with an emphasis in  
15 criminal justice. I've got a master's degree in  
16 public policy and public administration from  
17 Northwestern University. Those are my degrees. I've  
18 had a number of other trainings and certificates.  
19 Q All right. And you are the secretary designee. With  
20 respect to the job duties of the secretary, are the  
21 job duties of a secretary designee any different from  
22 a secretary, if you know?  
23 A No.  
24 Q Okay. Can you give me -- well, let's say you're at a  
25 dinner party and someone says, "Gosh, what does the

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<p>1 don't recall the date offhand.</p> <p>2 Q Do you know who held his position before he did?</p> <p>3 A Yes.</p> <p>4 Q Who?</p> <p>5 A Mark Reihl.</p> <p>6 Q And do you know where Mark Reihl is nowadays?</p> <p>7 A I believe Mark Reihl is retired.</p> <p>8 Q Okay. And for the sake of the court reporter, can</p> <p>9 you spell Reihl?</p> <p>10 A I believe it is spelled R-i-e-h-l.</p> <p>11 Q Okay. And what are Mr. Chiolino's job duties?</p> <p>12 A He oversees the day-to-day administration of the</p> <p>13 unemployment insurance program for the State of</p> <p>14 Wisconsin.</p> <p>15 Q Does he have authority to set policy for the</p> <p>16 Unemployment Insurance Division?</p> <p>17 A Can you define how you're using the word policy?</p> <p>18 Q Well, if he wants to implement a change in current</p> <p>19 practices at the Division, does he have to check with</p> <p>20 you or does he have the authority to implement at</p> <p>21 least a subset of changes without checking with you?</p> <p>22 A So we are -- Jim Chiolino is bound by the State of</p> <p>23 Wisconsin Statutes in administration of the program.</p> <p>24 There are certain policies and procedures in</p> <p>25 administration that may have an ability to be</p> <p style="text-align: right;">10</p>	<p>1 statutory eligibility requirements or other statutory</p> <p>2 parameters as defined in State or federal law.</p> <p>3 Q Okay. I'd like to spend a few minutes just kind of</p> <p>4 getting some mechanical background about how</p> <p>5 Wisconsin's unemployment compensation system works,</p> <p>6 okay?</p> <p>7 A Yes.</p> <p>8 Q How is it funded?</p> <p>9 A So the Unemployment Insurance Trust Fund is funded</p> <p>10 through employers who pay either a reimbursable</p> <p>11 account balance or almost like a premium to be part</p> <p>12 of the unemployment program, which is based on the</p> <p>13 amount of employees, their payroll and several other</p> <p>14 factors, such as their type of operations. The</p> <p>15 administration costs of the program are funded</p> <p>16 through administrative grants through the federal</p> <p>17 government, and there are additional costs</p> <p>18 associated, to the best of my knowledge, through</p> <p>19 general program revenue, which is State tax levy, to</p> <p>20 the best of my knowledge.</p> <p>21 Q Okay.</p> <p>22 A There is some State tax levy in the overall program.</p> <p>23 Q And do you know what the State tax levy goes toward?</p> <p>24 A I -- no. I'm just speculating now, but I believe</p> <p>25 there would be like training or fringe benefit costs,</p> <p style="text-align: right;">12</p>
<p>1 influenced by Department interpretation, but any type</p> <p>2 of policy decision that would impact benefits or a</p> <p>3 significant operational issue for the Unemployment</p> <p>4 Insurance Division would be done in consultation with</p> <p>5 the Secretary's Office.</p> <p>6 Q Okay. And what authority do you have to change</p> <p>7 policy at the Unemployment Insurance Division?</p> <p>8 A I'm bound by the State Statutes and Federal Statutes</p> <p>9 on how to administer the program, such as</p> <p>10 eligibility. But again, in terms of operational</p> <p>11 policies and procedures, i.e., what hours people work</p> <p>12 and what type of technology we implement in</p> <p>13 administering the program, those decisions are within</p> <p>14 the Department's authority.</p> <p>15 Q Do you have any discretion to interpret statutes or</p> <p>16 administrative rules with respect to the payment of</p> <p>17 unemployment compensation benefits?</p> <p>18 A Can you repeat the question, please?</p> <p>19 MR. KINNE: Sandy, could you read it</p> <p>20 back, please?</p> <p>21 (Reporter reads back last question)</p> <p>22 A I would say the Department has discretion in how to</p> <p>23 administer the program, which may require</p> <p>24 administrative interpretation of the statutes, but we</p> <p>25 do not have discretion to ignore or override</p> <p style="text-align: right;">11</p>	

1 such as other costs like pension costs for the  
2 employees, but I'm not entirely sure, so I'm going to  
3 answer I'm not sure.  
4 Q Okay. Do you know one way or another whether the  
5 amount that the State of Wisconsin pays for -- out of  
6 the tax levy for the unemployment compensation  
7 insurance system is impacted by the number of claims  
8 filed in a year?  
9 A I'm sorry. Could you please repeat the question?  
10 Q Sure. I didn't do a very good job of forming it, so  
11 let me try again. Do you know one way or another  
12 whether the portion of the State tax levy that goes  
13 toward funding the unemployment compensation system  
14 in Wisconsin is related at all to the number of  
15 claims filed in a year?  
16 A No, I do not believe so, but I don't know.  
17 Q With respect to how the system is funded, what  
18 happens in a year when there are a larger than normal  
19 number of claims?  
20 MR. KILPATRICK: Objection, vague.  
21 Q Do you understand my question?  
22 A I believe so. So there is a balance in the  
23 Unemployment Insurance Trust Fund where claims are  
24 paid from, and that -- those funds go towards paying  
25 claims.

13

1 what they would pay, it's a formula which I don't  
2 know off the top of my head, but it has to do with  
3 the amount of employees and payroll. It varies  
4 depending on the level in the Fund.  
5 Basically the tax burden on employers would  
6 increase if the funding falls too low by a nominal, I  
7 would say, amount. It's part of a formula. And  
8 that's done to --  
9 Q And are you --  
10 A Sorry. That's done to replenish, so there's always  
11 funding in the Trust.  
12 Q Okay. So a nominal amount of tax increase is  
13 automatically imposed on employers when the Trust  
14 Fund balance gets at a certain level; is that right?  
15 A In theory, although there was legislation this past  
16 year to freeze the tax level so as to not  
17 economically disadvantage businesses while recovering  
18 from the COVID-19 pandemic.  
19 Q Okay.  
20 A So it has been frozen.  
21 Q All right. And your understanding is that it was  
22 frozen because of the crisis caused by the COVID  
23 pandemic; is that right?  
24 A Correct.  
25 Q Before the COVID pandemic, was it frozen?

15

1 Q Okay. So if there are a larger number of claims in a  
2 year than normal, what happens to the balance at the  
3 Trust Fund?  
4 A Are you talking State unemployment claims or  
5 federally-funded unemployment supplemental programs?  
6 Q Okay, good. Let's talk about the difference between  
7 the two of those. What were the two categories  
8 again?  
9 A There are State unemployment benefits and then also  
10 federally-funded benefits related to the COVID-19  
11 pandemic.  
12 Q So the federally-funded benefits are related  
13 exclusively to the COVID pandemic, right?  
14 A Over the -- the ones that I'm familiar with over the  
15 past two years, correct.  
16 Q Okay. And so I'm talking about the State of  
17 Wisconsin unemployment benefits, just those. What  
18 happens to the Trust Fund when those -- when the  
19 number of claims go up in a year?  
20 A So there are different levels of the Trust Fund in  
21 statute that trigger tax schedules, and those,  
22 depending on where the level of funding is, the  
23 Department has to bill employers throughout the state  
24 based on the tax schedule. So if the funding hits a  
25 certain level -- the tax schedule for employers for

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<p>1 A No.</p> <p>2 Q Now, I think you've already mentioned that the</p> <p>3 Unemployment Compensation Division receives federal</p> <p>4 funds for its program; is that right?</p> <p>5 A Correct.</p> <p>6 Q And some of those are COVID-related, right?</p> <p>7 A Correct.</p> <p>8 Q Are there -- again, let's talk about before the</p> <p>9 pandemic. Did the Division of Unemployment</p> <p>10 Compensation receive federal funding?</p> <p>11 A Yes.</p> <p>12 Q And what does the federal funding, well, fund?</p> <p>13 A The administration of the unemployment program.</p> <p>14 Q All right. So in other words, it pays, well, the</p> <p>15 salary of Jim Chiolino, right?</p> <p>16 A Correct, I believe so, correct.</p> <p>17 Q Okay. And it pays for the administrative law judges,</p> <p>18 that kind of thing, right?</p> <p>19 A To the best of my knowledge, yes.</p> <p>20 Q What's your understanding of -- I don't want to get</p> <p>21 too in the weeds on this, but I also want to make</p> <p>22 sure I'm not missing something obvious. What's your</p> <p>23 understanding of the administrative functions,</p> <p>24 broadly speaking, that the federal funding paid for</p> <p>25 before the pandemic?</p> <p style="text-align: right;">16</p>	<p>1 Wisconsin law; is that right?</p> <p>2 A Correct.</p> <p>3 Q And in order to be eligible, you have to meet certain</p> <p>4 criteria?</p> <p>5 A Correct.</p> <p>6 Q And if you meet those criteria, then you're entitled</p> <p>7 to the benefit; is that right?</p> <p>8 A Correct.</p> <p>9 Q Do you know one way or another whether somebody can</p> <p>10 be employed and still qualify for benefits?</p> <p>11 A Yes.</p> <p>12 Q Under what circumstances can someone be employed and</p> <p>13 still qualify for benefits?</p> <p>14 A The first one that comes to mind is work share, which</p> <p>15 is a reduction of hours that occurs where an</p> <p>16 individual who has their permanent hours temporarily</p> <p>17 reduced can apply for supplemental benefits to make</p> <p>18 up that gap in income, is the first example that</p> <p>19 comes to mind.</p> <p>20 Q Okay. So are the -- is the amount of earnings in</p> <p>21 that particular situation, are those earnings offset</p> <p>22 against the unemployment compensation benefit they</p> <p>23 would receive?</p> <p>24 A Yes, that is my understanding.</p> <p>25 Q Okay. Are there any other instances when somebody</p> <p style="text-align: right;">18</p>
<p>1 A Administration of the claims, so the benefits. There</p> <p>2 is also an accounting and tax side to the</p> <p>3 unemployment that interfaces with the businesses</p> <p>4 throughout the state. There is an appellate division</p> <p>5 or function in the Division. There are help lines</p> <p>6 and call centers to interact with the customers of</p> <p>7 the state.</p> <p>8 Q So those are the big ones, the highlights?</p> <p>9 A Yes.</p> <p>10 Q Okay. Do you feel familiar with how the system of</p> <p>11 benefit application works?</p> <p>12 A I am familiar with the system at a very high level.</p> <p>13 Q Okay. Well, if I get to a point where I'm getting</p> <p>14 too granular for you, let me know, okay?</p> <p>15 A Yes.</p> <p>16 Q Again for the state of the record, I want to</p> <p>17 establish the steps, generally speaking, in applying</p> <p>18 for and receiving or being denied benefits, okay?</p> <p>19 A Yes.</p> <p>20 Q My understanding is to be eligible for unemployment</p> <p>21 compensation benefits, you have to be employed at one</p> <p>22 point or another; is that right?</p> <p>23 A Correct.</p> <p>24 Q And if you lose your job, you are potentially</p> <p>25 eligible for unemployment compensation benefits under</p> <p style="text-align: right;">17</p>	

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<p>1 can be employed and still qualify for benefits?</p> <p>2 A I am not certain. I believe that if an individual</p> <p>3 held multiple jobs and lost one of those jobs due to</p> <p>4 no fault of their own, I think there are thresholds</p> <p>5 of an income where they still might be able to</p> <p>6 qualify for benefits, but I'm not certain.</p> <p>7 Q Okay.</p> <p>8 A So I'm just going to say I'm not -- I don't know.</p> <p>9 Q Even in those instances the wages are -- the wages</p> <p>10 that the employee receives are offset against the</p> <p>11 unemployment compensation benefits; is that right?</p> <p>12 A That's my understanding, correct.</p> <p>13 Q And would Mr. Chiolino, do you think he would be in a</p> <p>14 better position to answer kind of the detailed</p> <p>15 questions I might have about unemployment</p> <p>16 compensation benefits --</p> <p>17 A Yes.</p> <p>18 Q -- and the process?</p> <p>19 A Yes.</p> <p>20 Q All right. Do you know how the benefit amount is</p> <p>21 calculated if an employee is entitled to receive</p> <p>22 them?</p> <p>23 A At a very high level.</p> <p>24 Q Okay.</p> <p>25 A There is a formula that is based on statutory</p> <p style="text-align: right;">19</p>	<p>1 aside from what we've already talked about?</p> <p>2 A I'm sorry. Could you please repeat the question?</p> <p>3 Q Sure. We've already talked about how wages somebody</p> <p>4 earns can be offset against the benefit amount. Are</p> <p>5 there other examples that you're aware of where an</p> <p>6 applicant's earnings are offset against the benefit</p> <p>7 amount?</p> <p>8 A Yes, I believe individuals who are receiving a State</p> <p>9 or federal pension have an offset of those dollars</p> <p>10 when calculating for unemployment benefits.</p> <p>11 Q Okay. Any other examples that you can think of?</p> <p>12 A Not that I can recall.</p> <p>13 Q Are you aware of any situations where an unemployed</p> <p>14 person's earnings render them ineligible for</p> <p>15 unemployment compensation benefits?</p> <p>16 MR. KILPATRICK: Objection,</p> <p>17 confusing.</p> <p>18 Q All right. Are you aware -- well, maybe I'll circle</p> <p>19 back to that. Are you aware of any laws or rules</p> <p>20 that specifically limit benefits to the disabled?</p> <p>21 A Yes.</p> <p>22 Q And what are they?</p> <p>23 A There is a statute in the State of Wisconsin that</p> <p>24 prohibits individuals who are on Social Security</p> <p>25 Disability from collecting unemployment.</p> <p style="text-align: right;">21</p>
<p>1 minimums and maximums, and it is reflective of their</p> <p>2 prior earnings going back several quarters.</p> <p>3 Q Does it have -- is the number of hours worked for the</p> <p>4 employee a function of the benefit calculation, if</p> <p>5 you know?</p> <p>6 A I do not know.</p> <p>7 Q Regardless, the criteria that sets the benefit amount</p> <p>8 is, well, set by statute or administrative rule; is</p> <p>9 that right?</p> <p>10 A Correct.</p> <p>11 Q And the Department lacks -- well, does the Department</p> <p>12 lack the discretion to vary from those rules?</p> <p>13 A Yes.</p> <p>14 Q Once an employee is awarded benefits, the employee</p> <p>15 remains entitled to those benefits until certain</p> <p>16 other criteria apply; is that correct?</p> <p>17 A Correct.</p> <p>18 Q And that criteria is set by law or rule; is that</p> <p>19 right?</p> <p>20 A Correct.</p> <p>21 Q And does the Department have any discretion to stray</p> <p>22 from the rule?</p> <p>23 A No.</p> <p>24 Q Are you aware of circumstances where earnings by an</p> <p>25 employee are offset against the amount of the benefit</p> <p style="text-align: right;">20</p>	

1 Q Are there any other rules like that?  
2 MR. KILPATRICK: Objection, vague.  
3 Q Okay. I'll rephrase the question. Are there any  
4 other rules or laws that limit benefits paid to  
5 disabled people aside from the one you just made  
6 reference to?  
7 A Not that I'm aware of.  
8 Q Okay. In order to -- for the sake of clarity, in  
9 order to be eligible for unemployment compensation an  
10 employee has to be able to work a certain percentage  
11 of jobs in the workforce; is that right?  
12 A Has to be able to work a certain percentage of jobs?  
13 I don't understand the question.  
14 Q Okay, I'll withdraw it. How familiar are you with  
15 the, I'm going to call it -- Social Security  
16 Disability Insurance, I'm going to call it SSDI. Do  
17 you understand what I mean when I say SSDI?  
18 A I do.  
19 Q How familiar are you with the SSDI benefit?  
20 A Somewhat familiar.  
21 Q Okay. Do you know the criteria under which an  
22 employee qualifies for an SSDI benefit?  
23 A Somewhat.  
24 Q Okay. Tell me what your understanding is of the  
25 qualification.

22

1 A My understanding is that in order to qualify for SSDI  
2 an individual has to have a condition which  
3 substantially limits their ability to engage in the  
4 workforce, and there's like, I believe, a five-point  
5 test in order to qualify for SSDI in which an  
6 individual has to disclose their impairment, their  
7 ability to work in any capacity. And I think there's  
8 a couple other qualifications, but that's all I can  
9 recall off the top of my head.  
10 Q Okay. And just for the purposes of clarification,  
11 when you were talking about -- when we were talking  
12 about laws that limit benefits to the disabled, it's  
13 recipients of an SSDI benefit, those are the people  
14 that are precluded from getting unemployment  
15 compensation benefits; right?  
16 A That is my understanding, yes.  
17 Q Okay. And that is different from SSI benefits,  
18 right?  
19 A Correct.  
20 Q Okay. Do you know the difference between how a  
21 disability is defined under the Rehabilitation --  
22 strike that. Let me back up a step. I'm getting  
23 ahead of myself here. Do you know what the  
24 Rehabilitation Act is?  
25 A Somewhat, yes.

23

1 Q All right. And you know what the ADA is?  
2 A Yes.  
3 Q The Americans with Disabilities Act, right?  
4 A Correct.  
5 Q Do you know how disability is defined under the  
6 Americans with Disabilities Act and/or the  
7 Rehabilitation Act?  
8 A I do not.  
9 Q Okay. Do you know whether an SSDI beneficiary is  
10 allowed to work and still receive an SSDI benefit?  
11 A I believe so, yes.  
12 Q Okay. And while an unemployed person is receiving  
13 SSDI benefits, are they automatically precluded from  
14 receiving unemployment compensation benefits in  
15 Wisconsin?  
16 A Regular unemployment compensation benefits or federal  
17 unemployment compensation benefits?  
18 Q Regular.  
19 A Yes, they are precluded under State Statute from  
20 receiving regular unemployment benefits if they are  
21 collecting SSDI.  
22 Q All right. And are you familiar with the term PUA,  
23 P-U-A?  
24 A Yes.  
25 Q And that's the Pandemic Unemployment Act; is that

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AMY PECHACEK

1 what it stands for, or do you know?  
 2 A I believe it's Pandemic Unemployment Assistance, PUA.  
 3 Q Okay. And under PUA, SSDI beneficiaries do qualify  
 4 for unemployment compensation benefits; is that  
 5 right?  
 6 A That is correct. That is the clarification that the  
 7 prior secretary, Caleb Frostman, received from  
 8 U.S. DOL Secretary Scalia.  
 9 Q Okay. And do you know one way or the other whether  
 10 unemployment compensation benefits are offset against  
 11 SSDI benefits under PUA, or are they cumulative?  
 12 A I do not know.  
 13 Q That would be another question probably to ask  
 14 Mr. Chiolino, right?  
 15 A That is correct.  
 16 Q And have you -- since you've become the secretary,  
 17 have you done anything to change the position taken  
 18 by Mr. Frostman?  
 19 A No.  
 20 Q Do you stand by the position that he set forth, well,  
 21 in that letter regarding PUA benefits?  
 22 A Absolutely, yes.  
 23 Q Did the letter make any reference to discrimination?  
 24 A I don't recall the exact words in the letter.  
 25 Q Okay. And do you know where the letter is?

25

1 A I do not know where the letter is.  
 2 Q Okay. If we wanted to get a copy of it, do you know  
 3 who we'd ask?  
 4 A We would ask our chief legal counsel,  
 5 Jennifer Wakerhauser, who would likely be able to  
 6 obtain a copy.  
 7 Q Okay, good. So for regular State unemployment  
 8 compensation benefits, what prevents the Division of  
 9 Unemployment Compensation from paying UC benefits to  
 10 otherwise eligible SSDI beneficiaries?  
 11 A State statute.  
 12 Q Is that State Statute 108.04?  
 13 A I don't know.  
 14 Q Okay. I'll represent to you that 108.04(12)(f)1m  
 15 states, "The intent of the Legislature in enacting  
 16 this paragraph is to prevent the payment of  
 17 duplicative government benefits for the replacement  
 18 of lost earnings or income, regardless of an  
 19 individual's ability to work," okay?  
 20 A Correct, okay.  
 21 Q Is that your understanding of what the statute says?  
 22 A Yes.  
 23 Q How are SSDI benefits paid?  
 24 A You broke up there. How are -- could you please  
 25 repeat the question?

26

1 Q Sure. How are SSDI benefits paid?  
 2 A I don't know.  
 3 Q Are they paid on a monthly basis?  
 4 A Oh, the frequency? I believe so, yes.  
 5 Q Okay.  
 6 A But they're not paid by the Department of Workforce  
 7 Development, so I don't know.  
 8 Q Right. They're paid by the federal government,  
 9 right?  
 10 A Correct.  
 11 Q And how are unemployment compensation benefits paid?  
 12 A Weekly.  
 13 Q Okay. And theoretically, an SSDI beneficiary could  
 14 get SSDI benefits in excess of what they're entitled  
 15 to under Wisconsin's unemployment compensation  
 16 benefits, right?  
 17 MR. KILPATRICK: Objection,  
 18 speculative.  
 19 Q You can answer.  
 20 A I don't understand the question. I'm sorry.  
 21 Q Well, let me do it this way. The statute that I just  
 22 read to you said that the Legislature wanted to  
 23 prevent duplicative government benefits, right?  
 24 A Correct.  
 25 Q What does the Division of Unemployment Insurance do

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1 to determine whether SSDI benefits are duplicative  
2 benefits that would be received under the State's  
3 unemployment compensation system?  
4 A I do not know.  
5 Q And would that also be a question for Mr. Chiolino?  
6 A Yes.  
7 Q Okay. Because it's possible that the amount of  
8 benefit that someone is entitled to under Wisconsin's  
9 unemployment compensation system would be greater  
10 than the benefit they're getting under SSDI, right?  
11 MR. KILPATRICK: Objection. The  
12 witness testified that SSDI renders them  
13 ineligible for unemployment, so the question is  
14 confusing and speculative. But you may  
15 answer.  
16 A I don't know how to answer that.  
17 Q Okay. Do you know if any effort is exerted at all by  
18 the Division of Unemployment Insurance to determine  
19 if the SSDI benefit received by an otherwise eligible  
20 applicant is less than what the employee would  
21 receive under Wisconsin's unemployment compensation  
22 system?  
23 A I don't know.  
24 Q Okay. Do you know how the SSDI exclusion impacts  
25 disabled people compared to non-disabled?

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1 A The SSDI exclusion prohibits individuals receiving  
2 SSDI from receiving regular unemployment benefits in  
3 the state of Wisconsin.  
4 Q Do you know if other states render SSDI beneficiaries  
5 ineligible under their state systems for unemployment  
6 compensation benefits while the employee is receiving  
7 SSDI benefits?  
8 A I believe the only other state is South Carolina, to  
9 the best of my knowledge.  
10 Q And do you know if -- I'm sorry. Did you say South  
11 or North Carolina?  
12 A I believe it's South Carolina.  
13 Q Okay. Regardless of whether it's North or  
14 South Carolina, do you know if they offset benefits  
15 or they just declare the person ineligible?  
16 A I do not know the details.  
17 Q Are you familiar with Federal Statute 42 USC  
18 Section 503 regarding the secretary of labor  
19 certifying payment to states?  
20 A I am not familiar.  
21 Q All right. Does the term when due or the when-due  
22 clause, does that mean anything to you?  
23 A Only as I read the when-due clause in the Complaint  
24 in preparation for this deposition.  
25 Q Okay. I will represent to you that

29

1 42 USC Section 503(a) says, "The Secretary of Labor  
2 shall make no certification for payment to any State  
3 unless he finds that the law of such State, approved  
4 by the Secretary of Labor under the Federal  
5 Unemployment Tax Act includes provision for..." And  
6 then it goes on, and I'm not concerned about that.  
7 What I want to know is whether you're aware of  
8 the Secretary of Labor approving Wisconsin's methods  
9 of determining eligibility for and payment of  
10 unemployment compensation benefits.  
11 A I am aware that when new legislation is proposed in  
12 states that impacts eligibility for unemployment that  
13 the Department of Labor will render an opinion on  
14 whether or not that legislation comports with federal  
15 requirements. As it relates to this specific  
16 eligibility requirement, this predates me. I am not  
17 aware of what transpired.  
18 Q All right. But if we were to look, presumably there  
19 would be some written statement from the Secretary of  
20 Labor opining on whether the SSDI exclusion comported  
21 with what it expects of Wisconsin's unemployment  
22 compensation system in order to receive the federal  
23 funds we talked about, right?  
24 A I would say it's unlikely that the opinion came  
25 directly from any secretary of labor. I believe

30

1 those opinions come from the regional offices, to the  
2 best of my knowledge. But in theory, the federal  
3 government reviews eligibility laws that states  
4 implement in terms of the unemployment program.  
5 Q Okay. And just I want to be 100 percent clear.  
6 Wisconsin's SSDI exclusion is an eligibility ban, it  
7 is not an offset; is that right?  
8 A Correct.  
9 Q Are you familiar with the Bureau of Indian Affairs  
10 Assistance and Social Services program?  
11 A I am not.  
12 Q Do you know if the Bureau of Indian Affairs  
13 Assistance and Social Services program provides  
14 temporary cash benefits to eligible Native Americans  
15 in Wisconsin?  
16 A I do not know.  
17 Q And do you know if there is an eligibility ban for  
18 people receiving those kinds of benefits from getting  
19 State unemployment compensation?  
20 A I do not know.  
21 Q Are you familiar with -- or strike that. Do you know  
22 what the Temporary Assistance for Needy Families  
23 program is?  
24 A I'm sorry. Could you please repeat that? You broke  
25 up.

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1 Q Yeah, sure. Do you know what the Temporary  
2 Assistance for Needy Families program is, TANF?  
3 A Yes, yes.  
4 Q Is that called W-2 here in Wisconsin?  
5 A Yes.  
6 Q And does TANF provide cash payments from the  
7 government to individuals?  
8 A I do not know how that program is administered.  
9 Q Okay. Do you know one way or another whether any  
10 benefits that would be received from that system are  
11 offset against unemployment compensation benefits?  
12 A I don't know.  
13 Q Do you know if people receiving TANF benefits are  
14 automatically ineligible to receive unemployment  
15 compensation benefits?  
16 A I don't know.  
17 Q If they were, there would be a statute or rule that  
18 said so, right?  
19 A Correct.  
20 Q And the same thing would be true of people who might  
21 get benefits under the Bureau of Indian Affairs  
22 Assistance and Social Services program, right?  
23 A I don't know.  
24 Q Okay. But if people who got those benefits were  
25 excluded from getting State of Wisconsin unemployment

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1 compensation benefits, there would be a statute or  
2 rule that said that, right?  
3 A Correct.  
4 Q And do you know what Supplemental Nutrition  
5 Assistance benefits are?  
6 A I do not.  
7 Q SNAP benefits, have you ever heard of that?  
8 A Oh, yes, I've heard of that acronym.  
9 Q Okay. And do you know if there's a statute or rule  
10 anywhere that says people who get SNAP benefits are  
11 ineligible to get unemployment compensation benefits?  
12 A I don't know.  
13 Q If the Department discovers that someone received  
14 unemployment compensation benefits while they were  
15 receiving SSDI benefits, what happens from a systems  
16 point of view?  
17 A Their future benefits would be seized and an  
18 overpayment notice and collection effort would begin.  
19 Typically that's done as an offset going forward if  
20 the individual continues to be eligible to receive  
21 benefits. If they are not, then there's a collection  
22 effort to recoup the payments that were incorrectly  
23 provided.  
24 Q And is there also a penalty associated with those  
25 collection efforts?

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1 A I don't know.  
2 Q Okay. And again, would that be a good question for  
3 Mr. Chiolino?  
4 A Yes.  
5 Q All right. Does it matter -- well, strike that.  
6 What impact, if at all, does it have on what the  
7 Department would do to someone who got State  
8 unemployment compensation benefits while getting SSDI  
9 benefits if there is a conclusion that the applicant  
10 concealed or committed fraud in getting the benefits?  
11 A Could you please repeat that?  
12 Q Sure. It was a long and cumbersome question. I'll  
13 try to break it down so it's a little easier to  
14 comprehend. We just talked about the collection  
15 efforts that you're aware of associated with getting  
16 benefits repaid for someone who got State  
17 unemployment compensation benefits while they were  
18 getting SSDI benefits, right?  
19 A Correct.  
20 Q How, if at all, does a conclusion by the Department  
21 that the recipient engaged in concealment and fraud  
22 impact what the person has to pay?  
23 A I don't know.  
24 Q Okay. Again, a question for Mr. Chiolino, right?  
25 A Yes.

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1 Q All right. I'm now going to turn to the exhibits. I  
2 am pretty good at this since the pandemic has  
3 started, but not perfect, so bear with me here.  
4 (Exhibit 1 is shared on the video screen)  
5 Q This is the Fiscal Estimates Narratives DWD 6/3/13.  
6 Do you see that up here at the top where I'm waving  
7 my cursor?  
8 A Yes, I see it.  
9 Q And I did send these exhibits to your counsel. If  
10 you have hard copies that you'd rather refer to, I  
11 have no problem with that, okay?  
12 A I have not seen this before.  
13 Q Okay.  
14 MR. KILPATRICK: Paul, sorry to  
15 interrupt, but I can send -- I can email those  
16 to you, Madame Secretary, if you want, rather  
17 than looking at --  
18 THE WITNESS: I can see the screen. I  
19 can see the screen just fine.  
20 MR. KILPATRICK: Okay.  
21 Q Okay. I marked this as Exhibit 1 to your deposition,  
22 right?  
23 A Yes.  
24 Q And you'll be happy to know that I'm only going to  
25 ask you about one paragraph, but for the sake of the

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1 record and identifying the document, you'll see that  
2 there is one, two, three, four, five, six pages to  
3 this exhibit; is that right?  
4 A Correct.  
5 Q Okay. I'm going to take you down to the paragraph  
6 that starts, "Prohibiting concurrent receipt of UI  
7 and SSDI benefits." Do you see that?  
8 A Yes.  
9 Q I would like you to read that to yourself, and when  
10 you're done, please let me know.  
11 A Okay.  
12 (Witness examines document)  
13 A Okay. I have concluded reading the paragraph.  
14 Q All right. Do you know who initiated the change  
15 referenced in the paragraph you just read? Was it  
16 the Department, the Legislature, someone else?  
17 A I do not know.  
18 Q And do you see that this paragraph represents that it  
19 would -- that this change would decrease benefit  
20 entitlement by approximately 2.4 million dollars? Do  
21 you see that?  
22 A I see that, yes.  
23 Q And do you know how that number was arrived at?  
24 A I do not.  
25 Q Do you know how we could calculate the amount of

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1 State unemployment compensation benefits that would  
2 be paid -- would have been paid in any given year but  
3 for the eligibility ban?  
4 A I do not believe that an accurate figure could be  
5 determined because we would be able to quantify  
6 individuals who applied and were denied due to the  
7 SSDI eligibility ban, but we would not be able to  
8 capture individuals who did not apply at all given  
9 their understanding of State law.  
10 Q Okay. This paragraph indicates that whomever wrote  
11 this based his or her decision on data from  
12 Minnesota. Do you see that?  
13 A I do see that, yes.  
14 Q Do you know if the data that the person relied on  
15 still exists somewhere?  
16 A I do not know.  
17 Q Do you know who we would ask to find out if it does  
18 still exist and if we could get a copy of it?  
19 A I believe your best bet would be to go through  
20 Chief Legal Counsel Jennifer Wakerhauser and she  
21 would perhaps be able to conduct a records inquiry.  
22 Q Okay. And I'm going to ask this question even though  
23 I'm pretty sure I know the answer. Do you know how  
24 the 2.4 million dollar figure was calculated?  
25 A I do not know.

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1 Q If an applicant decided to forego the receipt of SSDI  
2 benefits, would that person then be entitled to  
3 receive State unemployment compensation benefits if  
4 otherwise eligible?  
5 A Do you mean pausing their payments or removing  
6 themselves from the program or --  
7 Q Let's talk about pausing payments. What about  
8 pausing payments?  
9 A I don't know.  
10 Q What about withdrawing themselves from the program?  
11 A In that scenario, I believe if they are not  
12 collecting SSDI as a recipient in the program, then  
13 if they were otherwise eligible they would qualify  
14 for benefits.  
15 (Exhibit 2 is shared on the video screen)  
16 Q Okay. Before you is the Complaint in this case,  
17 which I've marked as Exhibit 2 to your deposition.  
18 Do you see that?  
19 A Yes.  
20 Q And this is a document you reviewed in advance of  
21 your deposition today; is that right?  
22 A Correct.  
23 Q Do you see Paragraph 29 there?  
24 A Yes.  
25 Q Can you please read it to yourself and let me know

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1 when you're done?  
2 (Witness examines document)  
3 A I'm done.  
4 Q Do you agree, disagree or do you feel that you lack  
5 the knowledge to agree or disagree with the  
6 assertions made here in Paragraph 29?  
7 A I lack the knowledge of how SSDI benefits are  
8 calculated.  
9 Q Okay. Are unemployment benefits -- is unemployment  
10 benefit eligibility based on earnings within the most  
11 recent benefit year and for which there has been a  
12 current job loss?  
13 A I believe so, but there is a look-back period to  
14 prior employers, so I am not certain on the exact  
15 formula.  
16 Q Paragraph 30, I'll just read it, "Pursuant to  
17 Wisconsin Statute Section 108.04(12) (f) (3) (a), as  
18 interpreted and applied by DWD, an individual is  
19 ineligible for unemployment compensation benefits for  
20 each week in the entire month in which an SSDI  
21 payment is issued to the individual." Do you see  
22 that?  
23 A Yes.  
24 Q Is that your understanding of how the program is  
25 administered?

39

1 A Yes.

2 Q Paragraph 31, "Pursuant to Wisconsin Statute

3 Section 108.04(12) (f) (3) (b), as interpreted and

4 applied by DWD, in the first month an SSDI payment is

5 issued to an individual, the individual is ineligible

6 for benefits for each week beginning with the week

7 the SSDI payment is issued, and for all subsequent

8 weeks in that month." Did I read that right?

9 A Yes.

10 Q And is that your understanding of how the system

11 works?

12 A Yes.

13 Q Paragraph 32, "Pursuant to Wisconsin Statute

14 Section 108.04(12) (f) (3) (c), as interpreted and

15 applied by DWD, following a cessation of SSDI

16 benefits to an individual, and upon the individual

17 again being issued an SSDI payment, the individual is

18 ineligible for benefits for each week beginning with

19 the week the SSDI payment is issued to the individual

20 and for all subsequent weeks in that month." Did I

21 read that correctly?

22 A Yes.

23 Q And is it your understanding that's how the program

24 is administered?

25 A Yes.

40

1 MR. KILPATRICK: Objection, Paul.

2 Paul, just so you know, I'm going to object to

3 this as repetitive. These were responses in the

4 Answer that was filed.

5 Q Okay. You can go ahead and answer.

6 A Yes.

7 Q And for this last one, because it's a little longer,

8 I am going to have you read that to yourself and let

9 me know when you're done.

10 (Witness examines document)

11 A I'm done.

12 Q Do you agree with the statements made in this

13 paragraph, disagree, or do you lack the knowledge to

14 agree or disagree?

15 MR. KILPATRICK: Same objection.

16 A This is my understanding of how the program is

17 interpreted and administered.

18 MR. KINNE: Okay. Steve, we've been

19 going about an hour, and I'd like a chance to

20 speak with my co-counsel here. So I know that

21 I'm going to have some more questions, but if

22 we could take a slightly elongated break, say

23 15 minutes, say be back at 10:20 to continue,

24 would that be okay with you all?

25 THE WITNESS: Yes.

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1 MR. KILPATRICK: Fine, sure.

2 MR. KINNE: Okay, good. I'm going to

3 put you all on mute, and we'll be back in a

4 little bit.

5 (A recess is taken)

6 (10:06 a.m. to 10:20 a.m.)

7 MR. KINNE: Back on the record.

8 EXAMINATION (RESUMED)

9 BY MR. KINNE:

10 Q Do you know what a program letter is?

11 A No.

12 Q A UIPL from the Department of Labor?

13 A Yes, I know what a UIPL is.

14 Q Okay. And what is a UIPL?

15 A It is guidance issued by the U.S. Department of Labor

16 on various administrative issues for unemployment.

17 Q And in order to -- well, strike that. Is the

18 Department of Workforce Development bound to follow

19 what's in the UIPL?

20 MR. KILPATRICK: Objection, calls for

21 a legal conclusion. But you can answer.

22 A I would say for the most part, yes. I think

23 sometimes it is general guidance, but how to

24 implement or administer a program under the guidance,

25 there may be some variation between the states on how

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1 they follow the guidance.  
2 Q Okay. Have you ever been -- strike that. I assume  
3 that you see all of the UIPL letters that come in?  
4 A No.  
5 Q Would that be Mr. -- well, strike that. At least  
6 with respect to Wisconsin's unemployment compensation  
7 system, that would be Mr. Chiolino, right?  
8 A Correct.  
9 Q You see at least some of the UIPLs; is that right?  
10 A Correct.  
11 Q Do you recall there ever being an instance where you  
12 disagreed with something you saw in a UIPL?  
13 A Yes.  
14 Q And in those instances, what did you do?  
15 A We are bound to administer the programs as required  
16 by State and federal law so, I mean, if I personally  
17 disagree with something it's irrelevant.  
18 Q Okay, okay. Now, earlier in your deposition you  
19 talked about a letter from prior Secretary Frostman;  
20 is that right?  
21 A Correct.  
22 Q And you agreed and stood by what he said in the  
23 letter, right?  
24 A Correct.  
25 Q And was that a letter to the U.S. Secretary of Labor

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1 that you were talking about?  
2 A Yes, I believe the letter was to U.S. DOL Secretary  
3 Eugene Scalia to the best of my recollection.  
4 Q And do you remember if that letter was sent in June  
5 of 2020?  
6 A That sounds right, correct.  
7 Q Okay. Bear with me one second. Can you identify the  
8 employees at the Department of Workforce Development  
9 who have a role in deciding administration policy?  
10 A Yes, myself, the secretary designee; the deputy  
11 secretary, Pam McGillivray; the assistant deputy  
12 secretary, Danielle Williams; and then to a lesser  
13 extent the administrator, Jim Chiolino.  
14 Administrator Chiolino has an executive team that  
15 works solely for the UI Division in support of his  
16 daily functions as well.  
17 Q I wasn't able to write fast enough. The first two  
18 people that you said, what are their names and titles  
19 again?  
20 A Deputy Secretary Pam McGillivray, Assistant Deputy  
21 Secretary Danielle Williams, and of course also our  
22 chief legal, which is Jennifer Wakerhauser.  
23 Q What duties do you have different from the duties of  
24 Deputy Secretary Pam McGillivray?  
25 A My duties include a lot more public-facing and

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1 stakeholder engagement as the face of the Department.  
2 Pam McGillivray's day-to-day activities are more in  
3 the administrative functions departmentwide,  
4 operational oversight.  
5 Q Okay. With respect to policy interpretation  
6 regarding the payment of benefits, does she have a  
7 role in that?  
8 A Yes. We confer as an executive team to whatever  
9 extent we have any interpretive authority on how to  
10 administer a program under the statutes and laws.  
11 Q Okay, that makes sense. And would the same thing be  
12 true of Assistant Secretary Williams?  
13 A Correct.  
14 Q And you also said legal played a role, but don't tell  
15 me what they tell you. I'm just trying to figure out  
16 their role here, okay? Their role really is to tell  
17 you whether you're in bounds or out of bounds, right?  
18 A Correct. There is also a separate legal office that  
19 solely works under Mr. Chiolino, which is the Bureau  
20 of Legal Affairs, and they are dedicated to legal  
21 matters that only relate to the unemployment  
22 insurance functions of the Department, whereas my  
23 chief legal is advising the entire executive team on  
24 all legal matters for all divisions.  
25 Q Okay, all right. That makes sense. Do lawyers get

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1 involved ever in attempting to get repayment of  
2 benefits?  
3 A Could you please clarify what you mean by getting  
4 involved in repayment?  
5 Q Sure. An applicant is found to have been overpaid  
6 but doesn't repay the benefit. I assume that in  
7 those circumstances the applicant has to be sued,  
8 right, or do you know?  
9 A I do not believe so. We don't file suit. I mean, to  
10 the best of my knowledge.  
11 Q Okay.  
12 A There's an overpayment collection process that  
13 involves offsetting future benefits and then working  
14 out payment plans with individuals, and then perhaps  
15 there's some type of lien placed if there is not a  
16 repayment, but I don't know if that's what you mean  
17 by sue.  
18 Q That's fine. Really it's not that important, but  
19 thank you. I don't want to know about any  
20 discussions you had with lawyers for the Department,  
21 okay? Put those completely out of your mind. Did  
22 you talk with anybody else about your testimony here  
23 today?  
24 A No.  
25 Q Have you ever expressed to anyone your private

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1 opinion about whether the ineligibility ban is fair  
2 or unfair to disabled people?  
3 A Yes.  
4 Q To whom?  
5 A My legal counsel.  
6 Q Okay. You can't tell me anything you said to your  
7 legal counsel. Anybody else?  
8 A Yes, policy conversations about this particular  
9 statute have occurred between me and representatives  
10 of the Governor's Office.  
11 Q Okay. Tell me about those conversations.  
12 A In Governor Tony Evers' 2021 through 2022 biennial  
13 budget we put forth the policy to repeal the  
14 prohibition of individuals on SSDI not being eligible  
15 for benefits. We, as a policy matter, believe they  
16 should be eligible.  
17 Q Okay. And that's because as written it has a  
18 disparate impact on disabled people, right?  
19 MR. KILPATRICK: Objection, calls for  
20 a legal conclusion.  
21 Q You can answer.  
22 A I believe -- and I will state this from the policy  
23 standpoint of the administration -- that not allowing  
24 individuals who are collecting SSDI and also working  
25 to have supplemental income who are then finding

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1 themselves at a job loss due to no fault of their  
2 own, they should qualify for unemployment for that  
3 supplemental income to align with the broader policy  
4 goal that is set forth in the Rehabilitation Act and  
5 the ADA and in SSDI, which is that folks can still  
6 have gainful employment and have supplemental income  
7 and collect disability. And by not allowing that  
8 benefit, we are causing, I would say, undue harm to  
9 these individuals who are trying to make a living.  
10 Q Those individuals are disabled, right?  
11 A Correct.

12 MR. KINNE: All right. That's all  
13 I've got.

14 MR. KILPATRICK: And I don't have any  
15 follow-up questions, Paul.

16 MR. KINNE: Okay.

17 (Adjourned at 10:32 a.m.)

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1 STATE OF WISCONSIN )  
2 COUNTY OF DANE )

3 I, SANDRA L. McDONALD, Shorthand Reporter  
4 and Notary Public in and for the State of Wisconsin,  
5 do hereby certify that the foregoing is a true  
6 record of the videoconference deposition of  
7 AMY PECHACEK, who was first duly sworn by me; having  
8 been taken on the 8th day of June, 2022, from various  
9 remote locations, in my presence, and reduced to  
10 writing in accordance with my stenographic notes made  
11 at said time and place.

12 I further certify that I am not a relative  
13 or employee or attorney or counsel for any of the  
14 parties, or a relative or employee of such attorney  
15 or counsel, or financially interested in said action.

16 In witness whereof, I have hereunto set my  
17 hand and affixed my seal of office this 16th day of  
18 June, 2022.

20 Notary Public, State of Wisconsin  
21 My Commission Expires 10/18/22

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